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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re Bank of America Corp. Auction Rate
Securities Marketing Litigation

This Document Relates to:
Bondar v. Bank of America Corp.
No. C 08-2599 (JSW)

MDL No. 09-2014

**STIPULATION AND [PROPOSED]
SCHEDULING ORDER**

Hon. Jeffrey S. White

Class Plaintiffs in *Bondar v. Bank of America Corp.*, No. C 08-2599 (JSW) and Defendants Bank of America Corporation, Banc of America Securities LLC, and Banc of America Investment Services, Inc. (collectively, "Defendants"), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS Class Plaintiffs filed a Second Amended Class Action Complaint on May 12, 2009;

WHEREAS by stipulated Order dated May 7, 2009, the Court entered the following schedule on Defendants' anticipated motion to dismiss:

- 1) Defendants shall answer, move against or otherwise respond to the Second Amended Class Action Complaint on or before June 30, 2009;
- 2) Should Defendants file a motion to dismiss the Second Amended Class Action Complaint, the briefing schedule on such motion shall be as follows:
 - a) Class Plaintiffs shall file any opposition to Defendants' motion to dismiss on or before July 30, 2009; and
 - b) Defendants shall file any reply in support of the motion to dismiss on or before August 21, 2009;

1 3) The hearing on the motion to dismiss, if the Court deems it necessary, will be
2 held on October 2, 2009 at 9 a.m.

3 **WHEREAS** on June 9, 2009, Class Plaintiffs the Sitrin Group filed a Motion to
4 Withdraw and Substitute Lead Plaintiff;

5 **WHEREAS** the Court issued an Order on June 10, 2009, setting the following briefing
6 schedule on the Motion to Withdraw and Substitute Lead Plaintiff:

7 1) Any opposition to the motion shall be due by no later than June 26, 2009; and

8 2) Any reply brief shall be due by no later than July 7, 2009;

9 **WHEREAS** the parties agree that in the interest of efficiency, the Motion to Withdraw
10 and Substitute Lead Plaintiff should be resolved before Defendants file their anticipated motion
11 to dismiss the Second Amended Complaint and that awaiting such resolution is good cause to
12 grant a modest extension on the motion to dismiss briefing schedule;

13 **WHEREAS** the parties agree, subject to this Court's approval, that a modest extension
14 of the motion to dismiss briefing schedule should not require a continuance of the October 2,
15 2009 motion to dismiss hearing date;

16 **WHEREAS** the parties agree, subject to this Court's approval, to the following
17 schedule on Defendants' anticipated motion to dismiss:

18 1) Defendants shall answer, move against or otherwise respond to the Second
19 Amended Class Action Complaint within 14 days of the Court's decision on the
20 Motion to Withdraw and Substitute Lead Plaintiff;

21 2) Should Defendants file a motion to dismiss the Second Amended Class Action
22 Complaint, the briefing schedule on such motion shall be as follows:

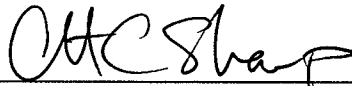
23 a) Class Plaintiffs shall file any opposition to Defendants' motion to dismiss
24 within 30 days of the filing of Defendants' motion; and

25 b) Defendants shall file any reply in support of the motion to dismiss within 21
26 days of the filing of Plaintiffs' opposition.

3) The hearing on the motion to dismiss, if the Court deems it necessary, remains
on calendar for October 2, 2009 at 9 a.m.


Dated: June 16, 2009

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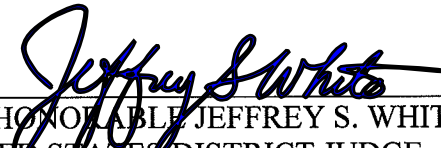
PROPOSED ORDER

Having reviewed the above stipulation, **IT IS HEREBY ORDERED** that:

- 1) Defendants shall answer, move against or otherwise respond to the Second Amended Class Action Complaint within 14 days of the Court's decision on the Motion to Withdraw and Substitute Lead Plaintiff;
- 2) Should Defendants file a motion to dismiss the Second Amended Class Action Complaint, the briefing schedule on such motion shall be as follows:
 - a) Class Plaintiffs shall file any opposition to Defendants' motion to dismiss within 30 days of the filing of Defendants' motion; and
 - b) Defendants shall file any reply in support of the motion to dismiss within 21 days of the filing of Plaintiffs' opposition.
- 3) The hearing on the motion to dismiss, if the Court deems it necessary, remains on calendar for October 2, 2009 at 9 a.m.

IT IS SO ORDERED.

DATED: June 17, 2009



THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE